THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.20047 OF 2006

Date: 26th September 2006

Between:
Sri K.Satyanarayana raju,
S/o Gopala Raju, aged 57 years,
R/o Gollalakoderu Mandal,
Palakoderu Mandal, W.G.District.

.... Petitioner

And

1. The Executive Engineer,
   Irrigation and P.W.D, Western Division,
   Nidadavole, W.G.District
   and 2 others.

.... Respondents.

* * *

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents 2 and 3 in not filing a complaint against some villagers who said to have trespassed into the land of the petitioner situated in R.S.No.313/2A1 of Gollalakoderu village, Palakoderu Mandal, West Godavari District, as arbitrary and illegal.

2. It appears that the petitioner is in occupation and enjoyment of the land in an extent of Ac.1-85 cents in R.S.No.313/2A1 of Gollalakoderu village of Palakoderu

Mandal, West Godavari District. The said land belongs to the government. According to the petitioner the same assignment proceedings in his favour are still pending and during pendency of the said assignment some anti-social elements are trying to disturb his possession, therefore, he made an application before the Assistant Engineer, Irrigation Department, Yandagandi Section, Bhimavaram, West Godavari District, requesting him to refer the complaint to concerned police, since the police had suggested the petitioner to approach the Assistant Engineer first and only on such reference being made by the Assistant Engineer, the complaint would be entertained and not otherwise. Since the Assistant Engineer or the Station House Officer has not acted upon the complaint, he filed the present writ petition.

3. There is no necessity of going into all the details. It is suffice to direct the respondents 1 and 2 to refer the matter to the Station House Officer, Palakoderu Police Station, if it is found that any anti-social elements are interfering with the possession of the petitioner. However, it does not preclude the Station House Officer, Palakoderu, from entertaining the complaint of the petitioner as per law.

4. With the above observation, the writ petition is disposed of. No order as to costs.

_____

C.V.RAMULU, J.

Date: 26th September 2006.
BSB